EXHIBIT 1

Page 1

1   - KEVIN LUCAS -

2   IN THE UNITED STATES DISTRICT COURT
       FOR THE SOUTHERN DISTRICT OF NEW YORK

3   --------------------------------- X
       ULKU ROWE,

4
                      Plaintiff,

5
                                Case No.

6   19 Civ. 08655(LGS)(GWG)

7   v.

8   GOOGLE LLC

9   Defendant.

10   --------------------------------- X

11   DATE: October 27, 2020

12   TIME: 11:35 A.M.

13

14   VIDEOTAPED VIDEOCONFERENCE DEPOSITION

15   OF KEVIN LUCAS, held via Zoom, pursuant to Notice,

16   before Hope Menaker, a Shorthand Reporter and

17   Notary Public of the State of New York.

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1   - KEVIN LUCAS -
2   MR. GAGE: Okay.
3   Q.   Do you know whether this relates to
4   leveling or performance evaluations?
5   A.   Leveling or performance evaluations?
6   So neither I guess I would say, because what it
7   appears as though this is the rubric by which we
8   assess candidates for in the interview process.
9   So let me scroll down here. How this
10 would typically work is when the role is opened
11 and the -- the role is leveled as an 8, we choose
12 the rubric for that respective level and job; and
13 as you move through the interview process, your
14 interviewers submit feedback in GHire that
15 correlates to the descriptors that are in this
16 spreadsheet. Does that make sense?
17   Q.   Yes?
18   A.   Okay.
19   Q.   And these are Google-wide rubrics,
20 correct?
21   A.   So I can't read the words, by the
22 way, in the format in which it's opened, but we
23 have rubrics for roles at Google. The descriptors
24 will look different across level based on your
25 role.

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1   - KEVIN LUCAS -
2   So for example an L 8 people partner
3   that I am, I will be assessed against four
4   attributes and how we describe those will be
5   different than an L 8 attorney or an L 8 SWE
6   director, et cetera because you -- you have to
7   provide kind of the job relevance descriptors
8   there.
9   So the rubrics exist across roles and
10 levels, but the content within the rubrics will
11 vary based on your role.
12   Q.   Okay, and so these rubrics apply to
13 all 12 of those positions, but the specifics of it
14 would be adapted for each position; is that right?
15   MR. GAGE: Objection.
16   A.   Probably. So maybe if I -- I
17 describe this.
18   If you go to Page 5 which is titled
19 "Leadership L 8," again I can't read the content
20 in each cell because it's all compressed in this
21 view of the document, but you would see like
22 for SWE-- well, for leadership here you have your
23 attributes on the left-hand side and how it's
24 described across kind of interview assessment
25 ratings; and in the tools as you hover over these

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1   - KEVIN LUCAS -
2   ratings for each attribute, it pops up the
3   descriptors. So that's how you start to assess.
4   The descriptors within the rubrics
5   will vary based on your job family to become
6   more relevant to the role in which you're being
7   considered -- for which you're being considered.
8   Q.   So how are these Google-wide rubrics
9   used then?
10   MR. GAGE: Objection.
11   Q.   So, for instance, on the same page
12 that you were just on which was the "Leadership
13 L 8" --
14   A.   Yes.
15   Q.   -- the first characteristic is
16 "Adapt"?
17   A.   Yup.
18   Q.   And "Outstanding," I can read it to
19 you, is "Proactively anticipated change using
20 market insights and envision future scenarios
21 beyond the apparent limits of present
22 opportunities. Effectively coached the team
23 through this change and achieve an organizational
24 success."
25   A.   Thank you for clarifying and -- and

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1   - KEVIN LUCAS -
2   reading that. There's an important distinction.
3   So for the leadership assessment in
4   the interview process, those are consistent across
5   L 8s, all roles. The other attributes for which
6   you're accessing them like general cognitive
7   ability, role-related knowledge, those vary by job
8   family.
9   Apologies, I just -- I didn't
10 articulate that correctly earlier.
11   Q.   Okay.
12   A.   That's an important distinction.
13   Q.   Okay. Is Googliness something that's
14 applied across all positions or that is unique to
15 a position?
16   A.   To my knowledge, Googliness is
17 applied across all roles at Google. Where you see
18 differentiation in the rubrics is in role-related
19 knowledge and GCA by the job family, yeah.
20   Q.   And is part of this the -- the reason
21 to have Google-wide rubrics to ensure that a Level
22 8 in one group is the equivalent of a Level 8 in
23 another group, to have some consistency across the
24 company in terms of how leveling -- what leveling
25 signifies?

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 1                  - KEVIN LUCAS -
 2        A.      Yes, that is an -- one component of
 3   it.  These five attributes that you see on Page 5
 4   here, "Adapts, Collaborates, Delivers, Includes
 5   and Inspires;" these are the attributes that make
 6   up our leadership expectations that are consistent
 7   across all leadership roles at -- at Google.
 8              So we actually have a leadership
 9   expectations framework that largely describes the
10   what of leadership roles, so that is kind of a
11   point of consistency.
12        Q.      Okay, and with respect to this
13   document it goes up to Level 8 plus, correct, if
14   you look at the table of contents?
15        A.      Oh, sorry.
16              Yes, Level 8 plus.
17        Q.      So at Level 8 and above there's a set
18   that the same rubrics are used for above -- Level
19   8 and above, correct?
20        A.      Yes, for Googliness and leadership
21   which are two of the four attributes that we
22   assess in the interview process.
23        Q.      Well, in this document GCA also has
24   Level 8 plus, right?
25        A.      So, yes, but I think -- let me
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 1                  - KEVIN LUCAS -
 2   double-check.  I don't remember seeing it in this
 3   form before, hold on.
 4              MR. GAGE:  Again, just note for the
 5         record that the witness can't -- cannot read
 6         all of the content of this document that's in
 7         front of him.
 8              MS. GREENE:  We're told it's because
 9         he has Chromebook.
10        A.      Stupid Chromebook.
11        Q.      Sorry.
12        A.      I'm literally going to trade it in
13   for a Mac, which is -- is totally fair.
14              In -- a different way to describe it,
15   the most variation comes in role-related
16   knowledge, because you can't have consistent
17   role-related knowledge across every role at
18   Google.  Leadership and Googliness are two that
19   are more universally consistent.
20              GCA is largely kind of a
21   problem-solving one, a problem-solving attribute
22   whereby you'll probably see a little variation,
23   but practically speaking the principles of problem
24   solving still apply by which you identify a
25   problem, formulate a hypothesis, gather through
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 1                  - KEVIN LUCAS -
 2   data, analyze it, launch, iterate, like, that
 3   construct is pretty consistent across the board.
 4              Again it's the hierarchy where you'll
 5   find wide differentiation, because all jobs are --
 6        Q.      Right.
 7        A.      -- jobs that are different.
 8        Q.      So, for instance, with respect to GCA
 9   the problem that you're solving for may be
10   different, but -- across roles, but how you're
11   assessed in terms of whether you're able to
12   problem solve should be rather consistent across
13   roles; is that fair?
14        A.      That's a much fairer way to say it.
15        Q.      Okay.  You can put that document
16   aside.
17              I would like you to look, as soon as
18   it's up, at Tab 136.
19        A.      Okay.  I'm just zooming in, but feel
20   free to go ahead.
21        Q.      We're going to mark this as Exhibit
22   65 and this document is Bates stamped
23   GOOG-ROWE-00029598.
24              MR. GAGE:  The one I'm looking at is
25         29597.
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 1                  - KEVIN LUCAS -
 2              MS. GREENE:  All right, let me make
 3         sure I --
 4              MR. GAGE:  I mean -- well, it starts
 5         at 29597.  It also has 29598, but it's a
 6         two-page document, the one that I'm looking
 7         at.
 8              MS. GREENE:  Thank you.  Mine --
 9         mine had a different screen.  It's
10         GOOG-ROWE-00029597 through 98.
11              MR. GAGE:  That's the one that's
12         here, yeah.
13              MS. GREENE:  Thanks for that.
14              (Whereupon, Exhibit 65 was marked at
15         this time.)
16        Q.      Do you recognize this document?
17        A.      Yes, the contents I'm -- I'm familiar
18   with.
19        Q.      Okay.  If you can look at the section
20   under "Salaries" --
21        A.      Yeah.
22        Q.      -- it says "Your salary reflects toy
23   role, level, and location."  Is that a true
24   statement for Google?
25        A.      Yes.  Yes, it is.
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- KEVIN LUCAS -

1
2   A.   In -- in my opinion, that's an
3   inappropriate use of the rationale for it. The
4   intent behind this is to differentiate performance
5   when all things are similar, right.
6   So if you have two L 8 TSC directors
7   sitting in New York who have identical tenures and
8   same performance ratings, we ask -- or we
9   recommend or suggest that managers can
10   differentiate the performance between those two
11   same individuals since they are arguably within
12   the same rating bucket.
13   So if all things are reasonably
14   similar, this is a manager's opportunity to say
15   Google -- if they were both rated consistently
16   meets expectations, I'm going to exercise more
17   discretion for Googler A because they were the
18   higher in that meets, perhaps almost exceeds
19   expectations and exercise perhaps no discretion
20   for Googler B who was the lower end of meets.
21   So the intent is to differentiate
22   within the rating buckets.
23   Q.   And if there were two Googlers who
24   were in the same geo and the managers were to
25   say they're performing the same job at the same

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- KEVIN LUCAS -

1
2   performance levels, right, both exceeds
3   expectations, but one is a Level 8 and one is a
4   Level 9 and so I want to pay them the same, can
5   they make that adjustment?
6   MR. GAGE: Objection.
7   A.   So there are bounds by which
8   managers are capped to make a decision, but I
9   think there's -- pardon the expression, but kind
10   of a -- a flaw in the question because if two
11   Googlers are performing at the same level and one
12   is a Level 8 and one is a Level 9, then I would
13   actually argue that that Level 9 is not meeting
14   the expectations of the role and perhaps that
15   Level 8 is actually meeting or starting to meet
16   the expectations of the Level 9 which means
17   they're likely on a promotion trajectory or should
18   be promoted in   the near term.
19   So in -- we can't take a consistently
20   meets expectations Level 8 and consistently meets
21   expectations Level 9 and say they're the same
22   performance, because they're fundamentally
23   performing different jobs that likely have
24   different scopes.
25   Q.   And what I'm saying is: If the

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- KEVIN LUCAS -

1
2   manager who is managing both of these people says
3   I know these people are actually doing the same
4   thing at the same level, can he make adjustments
5   or she make adjustments to compensation to account
6   for that?
7   MR. GAGE: Objection.
8   A.   Generally speaking it would be
9   incredibly difficult for them to be able to do
10   that because the guardrails we put in place in
11   planning, work to prevent any sort of leapfrogging
12   across levels.
13   Q.   And so are you familiar, in any
14   instances, where it's been determined that someone
15   was incorrectly leveled at the time they came in?
16   A.   I wouldn't necessarily say
17   incorrectly leveled. I -- I would actually look
18   at it as their performance and impact. So if they
19   were delivering high performance and next-level
20   impact, then we would promote them whether that
21   was six months after hire or two years after hire.
22   So it -- in -- in my head the way in
23   which I guide clients is it's less about the level
24   and more about what they're actually delivering to
25   the business; and if they're delivering at the

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- KEVIN LUCAS -

1
2   next level, then we should acknowledge that
3   through promotion.
4   Q.   Are you -- putting aside Ms. Rowe,
5   are you aware of any circumstances where an
6   individual has said I was misleveled as compared
7   to someone in the same -- performing the same job
8   as me?
9   A.   I -- I can't think of kind a formal
10   complaint about misleveling.
11   Q.   Are you -- are you aware as to
12   whether ER has a category of complaints that
13   relate to leveling decisions?
14   A.   I am not.
15   Q.   Are you aware of anyone's
16   leveling -- level being changed in response to a
17   complaint about their initial leveling?
18   A.   No, I'm not aware of any situation
19   for which that's happened.
20   Q.   So once someone is leveled, their
21   only way to get that level changed upwardly is
22   through the promotion process?
23   A.   From my observation, that is the
24   primary vehicle. That said, I don't have
25   visibility into every area of Google so I cannot